

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RAUL ZARAGOZA, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-08-359
§
NATHANIEL QUARTERMAN, §
§
Respondent. §

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Clements Unit in Amarillo, Texas (D.E. 1). Petitioner states he was convicted of indecency with a child and aggravated sexual assault and sentenced to serve concurrent terms of eighty and seventy-five years on April 30, 1996, in the 206th District Court of Hidalgo County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Potter County, in the Amarillo Division of the Northern District of Texas, 28 U.S.C. § 124(a)(5), and he was convicted by a court located in Hidalgo County in the McAllen Division of the Southern District of Texas. 28 U.S.C. § 124(b)(7).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in

Hidalgo County, it is more convenient for the action to be handled in the McAllen Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the McAllen Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, McAllen Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 7th day of November, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE